

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:92CR14
	)	
v.	)	
	)	
ROY WILLIAMS,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion for extension of time (Filing No. 1052), and his motion for reconsideration by the Court of its order of January 4, 2007 (Filing No. 1053). In view of the explanation contained in defendant's motion for extension of time, that motion will be granted. His motion for reconsideration will be deemed timely filed.

Initially, the Court notes that its order of January 4, 2007, made reference in Paragraph (2) on Page 2 of that opinion to 21 U.S.C. § 646. That reference is in error and should read "21 U.S.C. § 846."

Having reviewed the defendant's motion for reconsideration and amendment 591, the Court finds that defendant's motion for reconsideration should be denied. Parenthetically, the Court notes that on May 11, 2001, the defendant filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The amendment upon which

he relies as the basis for his current motions was adopted effective November 1, 2000, six months prior to the filing of his motion, and should have been included in that motion. His present motion, which the Court denied on January 4, 2007, in effect constitutes a second motion pursuant to 28 U.S.C. § 2255 and should have been denied on that basis as he had not obtained approval from the Court of Appeals to file a successive § 2255 motion. The Court finds that in addition to the reasons previously stated that his failure to include this motion in his § 2255 motion constitutes a waiver of any claim he believes he may have pursuant to Amendment 591.

For all of these reasons, defendant's motion for reconsideration will be denied. Accordingly,

IT IS ORDERED:

1) Defendant's motion for extension of time is granted; defendant's motion for reconsideration is deemed timely filed.

2) Defendant's motion for reconsideration is denied.

DATED this 30th day of March, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court